



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 10, 1998

Ms. Tracy B. Calabrese
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR98-1428

Dear Ms. Calabrese:

You ask this office to reconsider our ruling in Open Records Letter No. 98-0711 (1998). Your request for reconsideration was assigned ID# 116566.

The City of Houston (the "city") received a request for several categories of documents concerning a named individual's grievance hearings. In Open Records Letter No. 98-0051 (1998), this office concluded that the city could not withhold the requested information under section 552.103 of the Government Code. In Open Records Letter No. 98-0711 (1998), we affirmed the conclusion we reached in Open Records Letter No. 98-0051 (1998) with regard to section 552.103(a) of the Government Code.

In your second request for reconsideration, you continue to argue that section 552.103 applies to this request for information and ask that the attorney general explain in greater detail the reasons for our conclusion. After reviewing your arguments, and taking into consideration the time that has elapsed since the original request and ruling, we decline to review the city's subsequent claims regarding this matter. We believe that, at the time we issued the ruling, taking into consideration all the facts presented to us by the city at that time, litigation was not reasonably anticipated as of the date the city received the request for records. Furthermore, we believe that we have adequately addressed the city's concerns regarding this matter in Open Records Letter Nos. 98-0051 (1998) and 98-0711 (1998). To permit the city to provide additional arguments for withholding the information, several months after receiving the original request, would be an unreasonable extension of the deadlines provided for in the Open Records Act. See Gov't Code sections 552.301, 552.306.

Sections 552.324 and 552.325 of the Government Code permit a governmental body to seek judicial review of an attorney general opinion under the Open Records Act. *But see* § 552.353 (affirmative defense to prosecution under section 552.353(a) that officer for public information filed declaratory judgment, writ of mandamus, or both against attorney general not later than tenth calendar day after the date of receipt of decision by attorney general that information is public).

We, therefore, affirm the conclusion we reached in Open Records Letter Nos. 98-0051 (1998) and 98-0711 (1998) with regard to section 552.103(a) of the Government Code. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Sandra L. Coaxum". The signature is fluid and cursive, with the first name "Sandra" being more prominent.

Sandra L. Coaxum, C.P.A.
Chief, Open Records Division

SLC/rho

Ref.: ID# 116566

Enclosures: Submitted documents

cc: Ms. Dianne Gutierrez
Staff Representative
American Federation of State, County, and Municipal Employees
P.O. Box 230242
Houston, Texas 77223-0242
(w/o enclosures)